



# House of Representatives

General Assembly

**File No. 773**

January Session, 2009

Substitute House Bill No. 6025

*House of Representatives, April 21, 2009*

The Committee on Judiciary reported through REP. LAWLOR of the 99th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

## **AN ACT INCREASING THE PENALTY FOR ENGAGING A POLICE OFFICER IN PURSUIT.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (b) of section 14-223 of the general statutes is  
2 repealed and the following is substituted in lieu thereof (*Effective*  
3 *October 1, 2009*):

4 (b) No person operating a motor vehicle, when signalled to stop by  
5 an officer in a police vehicle using an audible signal device or flashing  
6 or revolving lights, shall increase the speed of the motor vehicle in an  
7 attempt to escape or elude such police officer. Any person who violates  
8 this subsection shall be guilty of a class [A misdemeanor] D felony,  
9 except that, if such violation causes the death or serious physical  
10 injury, as defined in section 53a-3, of another person, such person shall  
11 be guilty of a class [D] C felony, and shall have such person's motor  
12 vehicle operator's license suspended for one year for the first offense,  
13 except that the Commissioner of Motor Vehicles may, after a hearing,  
14 as provided for in subsection (k) of section 14-111, and upon a showing

15 of compelling mitigating circumstances, reinstate such person's license  
16 before the expiration of such one-year period. For any subsequent  
17 offense such person shall be guilty of a class [D] C felony, except that if  
18 any prior offense by such person under this subsection caused, and  
19 such subsequent offense causes, the death or serious physical injury, as  
20 defined in section 53a-3, of another person, such person shall be guilty  
21 of a class [D] C felony for which one year of the sentence imposed may  
22 not be suspended or reduced by the court, and shall have such  
23 person's motor vehicle operator's license suspended for not less than  
24 eighteen months nor more than two years, except that said  
25 commissioner may, after a hearing, as provided for in subsection (k) of  
26 section 14-111, and upon a showing of compelling mitigating  
27 circumstances, reinstate such person's license before such period.

This act shall take effect as follows and shall amend the following sections:

|           |                 |           |
|-----------|-----------------|-----------|
| Section 1 | October 1, 2009 | 14-223(b) |
|-----------|-----------------|-----------|

**JUD**      *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

### **OFA Fiscal Note**

#### **State Impact:**

| Agency Affected                                | Fund-Effect       | FY 10 \$          | FY 11 \$          |
|--|-------------------|-------------------|-------------------|
| Judicial Dept.                                 | GF - Revenue Gain | Potential Minimal | Potential Minimal |
| Judicial Dpt (Probation);<br>Correction, Dept. | GF - Cost         | Significant       | Significant       |

Note: GF=General Fund

**Municipal Impact:** None

#### **Explanation**

The bill increases the criminal penalties for engaging a police officer in pursuit. (See the table below for a summary of these changes.)

| <b>Criminal Penalty Enhancements Under the Bill</b>               |               |               |                |                |                     |
|---|---------------|---------------|----------------|----------------|---------------------|
| Crime   | Current Law   |               | The Bill       |                | 2008<br>Convictions |
|   | Jail          | Fine          | Jail           | Fine           |                     |
| Engaging Police in Pursuit  | Up to 1 year  | Up to \$2,000 | Up to 5 years  | Up to \$5,000  | 93                  |
| Engaging Police in Pursuit - subsequent offense                   | Up to 5 years | Up to \$5,000 | Up to 10 years | Up to \$10,000 | 1                   |
| Engaging Police in Pursuit - resulting in death or serious injury | Up to 5 years | Up to \$5,000 | Up to 10 years | Up to \$10,000 | 6                   |

To the extent that these changes increase the likelihood that offenders would be prosecuted or receive harsher penalties, a potential revenue gain from criminal fines and potential cost for incarceration and/or probation supervision in the community exist. It is anticipated that relatively few fines would be imposed on an annual basis, and, consequently, any revenue gain under the bill is expected to be minimal. On average, it costs the state \$3,736 to supervise an offender on probation in the community as compared to \$44,165 to incarcerate the offender.

***The Out Years***

The annualized ongoing costs identified above would continue into the future subject to inflation; the annualized ongoing revenues would remain constant since fine amounts are set by statute.

*Sources: Judicial Department's Quarterly Criminal / Motor Vehicle Statutes*

**OLR Bill Analysis****sHB 6025*****AN ACT INCREASING THE PENALTY FOR ENGAGING A POLICE OFFICER IN PURSUIT.*****SUMMARY:**

This bill increases the penalties for someone who, in order to escape or elude a police officer, increases his or her driving speed after an officer in a police vehicle signals to stop by using an audible signal or flashing lights.

The bill increases the penalty from a:

1. class A misdemeanor to a class D felony for a first offense that does not cause death or serious physical injury,
2. class D felony to a class C felony for a first offense that causes death or serious physical injury,
3. class D felony to a class C felony for a second offense, regardless of whether it causes physical injury.

By law, a one year mandatory minimum sentence applies if the current and a prior offense caused death or serious physical injury.

By law, a first offense carries a one year driver's license suspension and a subsequent offense carries a suspension of 18 months to two years.

EFFECTIVE DATE: October 1, 2009

**COMMITTEE ACTION**

Judiciary Committee

Joint Favorable Substitute

Yea    40    Nay   2    (04/03/2009)